

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK-----X
GINA G. RIGGI,

Plaintiff,

-against-

CHARLIE ROSE INC., CHARLES PEETE
ROSE JR. a/k/a CHARLIE ROSE, and
BLOOMBERG, L.P,Defendants.
-----X

Index No.: _____

SUMMONS**Date Index No. Purchased:**
September 19, 2019

To the above named Defendants:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is N.Y. C.P.L.R. § 503(a), which is the county in which a substantial part of the events or omissions giving rise to the claim occurred.

Dated: New York, New York
September 19, 2019

Broach & Stulberg, LLP

By: /s/ Patrick J. Walsh
Patrick J. Walsh
Robert B. Stulberg
Attorneys for Plaintiff
One Penn Plaza, Suite 2601
New York, NY 10119
(212) 268-1000
pwalsh@brostul.com

To:

Charlie Rose Inc.
781 Fifth Avenue,
New York, New York, 10022

Charles Peete Rose
781 Fifth Avenue,
New York, New York, 10022

Bloomberg, L.P.
731 Lexington Avenue,
New York, New York 10022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X	:	
GINA G. RIGGI,	:	Index No.:
	:	
Plaintiff,	:	COMPLAINT
	:	
-against-	:	<u>Jury Trial Demanded</u>
	:	
CHARLIE ROSE INC., CHARLES PEETE	:	
ROSE JR. a/k/a CHARLIE ROSE, and	:	
BLOOMBERG, L.P.,	:	
	:	
Defendants.	:	
-----X	:	

Plaintiff Gina G. Riggi, by and through her undersigned counsel, Broach & Stulberg, LLP, brings this Complaint against her former employers, Charlie Rose Inc. (“CRI”) and Charles Peete Rose (“Charlie Rose” or “Mr. Rose”) (collectively “Rose”), and Bloomberg, L.P. (“Bloomberg”) (collectively “Defendants”). Plaintiff hereby alleges, with knowledge as to herself and upon information and belief otherwise, as follows:

PRELIMINARY STATEMENT

1. Plaintiff Gina G. Riggi is a 62-year-old Emmy Award-nominated makeup artist, formerly employed by Defendants as Head/Key Makeup Artist for the Charlie Rose Show (“the Show”), and a related program, “Charlie Rose: The Week” (“the Week”). Ms. Riggi first started working on the Show in 1995. For more than 22 years, she managed the Show’s makeup department, contributing greatly to the Show’s success until the Public Broadcasting Service (“PBS”) cancelled it in November 2017, in response to widely publicized allegations that Mr. Rose had abused and sexually harassed his female staff, and other women, for decades.
2. As detailed in the allegations below, for the more than two decades that Ms. Riggi worked on the Show, Mr. Rose subjected her to a pattern of misogynistic, abusive behavior,

demeaning, embarrassing and degrading her because of her gender, ridiculing her physical appearance, and physically accosting her on the set, forcing her to use a hand mirror to protect herself from him.

3. Mr. Rose also created a toxic work environment suffused with sexual harassment and gender-based abuse for Ms. Riggi and the female staff, using the Show as an instrument of his predatory sexual behavior, and the Bloomberg studio where he recorded it as a sexual hunting ground. Mr. Rose preyed upon his female staff, at Bloomberg's studio, at his Sherry-Netherland apartment, at his Hamptons home in Bellport, New York, and at the trendy restaurants where he insisted on hosting staff events. On information and belief, Mr. Rose also engaged in this sexually harassing and abusive conduct toward female staff and other women during work-related travel, at hotels, on airplanes, in limousines, at the CBS broadcasting studio, at Mr. Rose's own offices, and elsewhere.

4. Throughout the workday, and at work events, Mr. Rose routinely groped and pawed at his female staff, pressed himself against them, hugged them, kissed them, pulled them toward him, whispered in their ears, stared at their breasts, looked down their shirts, and otherwise subjected them to inappropriate and unwanted physical contact. Mr. Rose commented on their physical appearance, asked inappropriate questions about their personal and romantic lives, and barraged them with late-night phone calls. In many instances, as detailed below, he made explicit sexual overtures.

5. In particular, Mr. Rose targeted young, attractive women just beginning their journalism careers, dangling internships and jobs to lure them to "interviews" and "career discussions" with him, often over drinks and dinner. But, far from being an advocate for their careers, Mr. Rose treated them as sexual targets, using his power and influence to serve his

personal desires. In many instances, he never offered these women any employment at all.

When he did hire young women to work on the Show, they often endured unpleasant assignments working off-site at Mr. Rose's homes, making deliveries to Mr. Rose at his residences, and serving as Mr. Rose's "travel companions." Such assignments subjected these women to Mr. Rose's inappropriate advances. Mr. Rose also harassed personal assistants, executive assistants, producers and other women who worked on the Show on a regular basis.

6. When female staff reacted negatively to Mr. Rose's overtures, failed to appeal to him physically, or disappointed him in some other way, he abused them, showered them with criticism, questioned their intelligence, humiliated them, and otherwise demeaned and degraded them. At times, Mr. Rose became threatening and physically menacing toward women who worked on the Show, looming over them in an aggressive fashion, grabbing their wrists, backing them against walls, and in Ms. Riggi's case, physically swatting at her.

7. On information and belief, Mr. Rose did not treat men in the same abusive and degrading fashion that he treated women.

8. As the Show's third longest-tenured employee, behind only Executive Producer Yvette Vega and Mr. Rose himself, Ms. Riggi personally was subjected to, and observed, Mr. Rose's inappropriate conduct and harassment of female staff on countless occasions. Despite being a victim of Mr. Rose's misogynistic abuse herself, Ms. Riggi served as a resource for other female staff, many of whom used her makeup room and the adjoining Green Room, where guests waited, as a refuge from Mr. Rose. Ms. Riggi felt a maternal, protective instinct toward her younger female colleagues, who often came to her in tears, distraught and visibly shaken, sharing their stories of Mr. Rose's unwelcome sexual overtures, misogyny and abuse.

9. On information and belief, all of the supervisors who worked on the Show,

including Ms. Vega, were Bloomberg employees. Bloomberg supervisors personally observed Mr. Rose's behavior on countless occasions, and received numerous complaints from female staff about Mr. Rose over the years. In some instances, Bloomberg supervisors experienced the harassment themselves. Despite substantial notice of Mr. Rose's behavior for many years, Bloomberg refused to address or remediate it, dismissing it, in words or effect, as "Just Charlie being Charlie."

10. On or about late November 2017, when the Show was cancelled, Defendants terminated Ms. Riggi's employment, not due to any fault of her own, but as a consequence of Mr. Rose's own unlawful and deplorable behavior. Defendants compounded Ms. Riggi's harm by denying her the modest severance payment they provided to other staff, telling her that, despite her 22 years of service on the Show, they did not consider her to be an employee.

11. Defendants' unlawful conduct has caused Ms. Riggi incalculable emotional and financial harm.

12. Ms. Riggi seeks damages and equitable relief for the harm she has endured, as detailed below, under the New York City Human Rights Law ("City HRL"), Admin Code § 8-107; Article VI of the New York Labor Law ("NYLL") §§ 190-199-c; and for unjust enrichment and *quantum meruit*.

PARTIES

13. Plaintiff Ms. Riggi, a 62-year-old female, is a resident of New Jersey. At all times relevant, she worked for Defendants as a makeup artist.

14. Defendant Bloomberg is a foreign limited partnership, doing business in New York, New York and having a principal place of business and/or address in New York, New York.

15. Defendant Charlie Rose Inc. is a foreign business corporation, doing business in New York, New York and having a principal place of business and/or address in New York, New York.

16. Upon information and belief, Defendant Charlie Rose, an adult male, resides in New York, New York.

17. Defendants are jointly and severally liable herein, and are also liable herein as “joint employers.”

18. Defendants, at all times relevant, exercised supervisory control over Plaintiff within the meaning of the City HRL.

19. Defendants, at all times relevant, were Plaintiff’s “employer,” within the meaning of N.Y. Lab. L. § 190 *et seq.*

JURISDICTION AND VENUE

20. This Court has jurisdiction over the Plaintiff’s claims under the City HRL and, as a court of general jurisdiction, has jurisdiction over New York statutory and common law claims.

21. This Court has jurisdiction over Defendants pursuant to New York law, including without limitation N.Y. C.P.L.R. §§ 301 and/or 302.

22. Venue is proper in this County pursuant to New York law, including, without limitation, Section 503 of the C.P.L.R.

STATEMENT OF ADDITIONAL FACTS

A. Ms. Riggi’s Career

23. Ms. Riggi has had a distinguished 30-year career as a makeup artist in the television industry. She studied Theatrical Makeup at the Boston Conservatory of Music, and prior to commencing employment with Bloomberg and Rose, worked for some of the most well-

known shows on television, including Saturday Night Live, 60 Minutes, Nightline, Geraldo, Good Morning America, Conan O'Brien, the Gordon Elliott Show and Hard Copy. Her work has appeared on almost every major network, including CBS, NBC, ABC, BBC, Reuters, WTN, MSG, and the Food Network.

24. Throughout her career, Ms. Riggi has provided makeup for countless well-known individuals, including political figures such as: Presidents Barack Obama, Bill Clinton and Jimmy Carter; English Prime Minister Tony Blair; Soviet President Mikhail Gorbachev; Israeli Prime Ministers Benjamin Netanyahu and Ariel Sharon; United States Secretaries of State John Kerry, Hillary Clinton, Madeline Albright, Condoleezza Rice and Henry Kissinger; and United States Senator Bernie Sanders. She also has provided makeup for such personalities as Rosa Parks, Bill Gates, Warren Buffet, Angelina Jolie, Leonardo DiCaprio and Mikhail Baryshnikov, among many others.

25. In or about 1995, before she started working for Defendants, Ms. Riggi was nominated for an Emmy Award for her work on the Sally Jesse Raphael Show. She is a member of the National Academy of Television Arts and Sciences ("NATAS"), and for the past 25 years, has been a Judge for the NATAS Daytime Emmy Awards. She was also a two-time elected Governor of the Creative Crafts of NATAS NYC.

26. Ms. Riggi teaches seminars for NATAS NYC, and is a member in good standing of New York Women in Film and Television ("NYWIFT"), which requires accreditation and peer sponsorship for membership, and the International Alliance of Theatrical Stage Employees ("IATSE"), which requires passing an examination demonstrating requisite professional skills for membership.

B. The Defendants' Joint Employment of Ms. Riggi and Misclassification of Her as an Independent Contractor

27. In 1995, Defendants hired Ms. Riggi to serve as Head Makeup Artist for the Show.

28. For Ms. Riggi's entire tenure, the Show was taped at Bloomberg headquarters, first at 499 Park Avenue, and since in or around 2004, at 731 Lexington Avenue, New York.

29. Bloomberg and Rose jointly employed Ms. Riggi continuously from her hire until the Show was cancelled, on or about November 21, 2017.

30. Upon the Show's cancellation, Defendants informed Ms. Riggi that they did not deem her an "employee," but rather, an "independent contractor."

31. On information and belief, Defendants treated most other staff working on the Show as Bloomberg employees, placing them on Bloomberg's payroll, paying them with Bloomberg-issued checks, assigning them Bloomberg email accounts, providing them "orange" Bloomberg badges, as opposed to "green" badges assigned to contractors, providing them Bloomberg personnel manuals, and requiring that they attend Bloomberg trainings.

32. On information and belief, all of the Show's producers and supervisors who directed Ms. Riggi's work, including Ms. Vega, were Bloomberg employees.

33. On information and belief, Bloomberg provided all employees on the Show a valuable assortment of Bloomberg benefits, including, *inter alia*, paid leave.

34. Defendants denied Ms. Riggi the same benefits that they provided to all other employees on the Show.

35. As a consequence of this misclassification, Ms. Riggi was unable to obtain unemployment benefits after she was terminated.

36. During her tenure with the Show, Ms. Riggi did not receive any of the supposed

benefits that an independent contractor might receive, such as flexibility of schedule, the ability to work for other employers, or control over her work environment.

37. Rather, Bloomberg and Rose exercised complete control over every aspect of Ms. Riggi's work, directing both the results of the work and the manner and means by which she performed it. This control included, *inter alia*:

- (a) setting a fixed work schedule for Ms. Riggi;
- (b) changing her work schedule at Mr. Rose's convenience, or in accordance with production demands;
- (c) assigning the individuals to whom she must provide makeup services;
- (d) determining the sequence in which she was to perform the work;
- (e) directing the manner in which she performed the work;
- (f) instructing her as to which cosmetics, applicators, cleansers, brushes, combs, eye shadow and other materials she should use;
- (g) providing her with these necessary tools, cosmetics, and other equipment; and
- (h) reimbursing her for expenses when she purchased supplies herself.

38. Ms. Riggi could not take vacation time or time off as she wished, and could not work for other employers during scheduled work hours.

39. If Ms. Riggi needed to change her schedule or take a day off for illness or any other reason, she had to get approval from the Production Manager.

40. Ms. Riggi was expected to accommodate requests to work in the field, when Mr. Rose conducted interviews outside of the studio, and she had to accommodate frequent last minute scheduling changes demanded by Mr. Rose, at risk of losing her job.

41. Ms. Riggi also performed tasks, at Defendants' request, in addition to her work as a professional makeup artist. Defendants frequently asked Ms. Riggi, *inter alia*, to assist with wardrobe issues, troubleshoot computers and television monitors, secure car services for guests, and provide beverages for guests. Ms. Riggi was expected to comply with these requests, and perform any and all tasks requested of her by Defendants.

42. Starting in or about 2013, Ms. Vega directed Ms. Riggi to perform makeup services for a new show, “The Week,” in addition to her work on the Charlie Rose Show. This work required Ms. Riggi to perform additional tasks, outside of her normal schedule for the Charlie Rose Show. She performed these additional tasks each week that she worked, from the inception of “The Week” in 2013, until she was terminated in November 2017. Ms. Riggi did not receive additional compensation for this work.

43. Although Defendants misclassified Ms. Riggi as an independent contractor, they otherwise afforded her many of the same indicia of employment that they afforded other Bloomberg employees.

44. Defendants provided Ms. Riggi an office on Bloomberg’s premises with her name on the door; granted her access to Bloomberg’s internal computer system; assigned her a Bloomberg email account; and provided her an orange Bloomberg employee badge, rather than the green badge provided to contractors. Further, whenever Ms. Riggi inquired as to any personnel matter, Ms. Vega directed her to speak with Bloomberg’s Human Resources office.

45. Unlike other employees who received paid leave, however, Ms. Riggi was not paid when she had to take a day off for illness, a doctor’s appointment, or to care for her disabled mother.

46. In March 2017, for example, Ms. Riggi was forced to take off substantial time for knee replacement surgery. She was not compensated for any of this time.

47. The Defendants also failed to make any of the contributions on Ms. Riggi’s behalf ordinarily required of employers by federal, state and local law, including, *inter alia*, contributions for Social Security, Workers’ Compensation and Unemployment Insurance.

48. Ms. Riggi suffered substantial harm as a result of this misclassification.

C. The Defendants' Culture of Misogyny

49. Mr. Rose created a toxic work environment for women working on the Show, sexually harassing, dominating and diminishing them, without fear of reprisal.

50. Mr. Rose treated women differently than he treated men, subjecting them to unwanted sexual advances, groping, touching and inappropriate comments if he found them attractive; and to abuse, bullying and humiliation if he did not, or if they reacted negatively to his unwanted attention.

51. Bloomberg knew of this harassment and abuse but did nothing to prevent or remediate it, instead, condoning, aiding and abetting it.

52. Mr. Rose specifically bullied, demeaned and degraded Ms. Riggi because of her gender throughout her tenure on the Show.

53. Ms. Riggi also personally observed Mr. Rose use his position of power to touch, ogle, flirt with, harass, demean and/or degrade other women on the Show for more than two decades.

54. Ms. Riggi observed Mr. Rose draping his arms around female staffers' shoulders, grabbing them by their waists, pulling them uncomfortably close to him, holding them during conversations, and whispering into their ears.

55. Ms. Riggi also observed that Mr. Rose appeared to enjoy intimidating women, and seemed to take perverse pleasure in the discomfort, shame and humiliation that he caused them.

56. Ms. Riggi's makeup room and the adjacent Green Room (which were on a different floor than the staff's offices) served as a hub for the Show's female staff and interns, who congregated there to take refuge from Mr. Rose's harassment and abuse.

57. In addition to Ms. Riggi's personal observations, countless women came to her, in the makeup room, the Green Room and elsewhere, to complain to her about Mr. Rose's harassing and degrading behavior toward them.

58. From the late 1990s through the Show's cancellation, numerous female staff, from interns to producers, complained to Ms. Riggi about: Mr. Rose's sexual overtures; his unwanted touching; his inappropriate comments; his phone calls at all hours of the night, often asking invasive and inappropriate questions about their personal lives; and his verbal and emotional abuse.

1. Mr. Rose's Demeaning, Degrading, Gender-Based Abuse of Ms. Riggi

59. Ms. Riggi was responsible for ensuring that Mr. Rose and guests of the Show were "ready for air," and that their makeup was properly applied. In addition to applying makeup for guests of the Show, she also was responsible for Mr. Rose's on-air appearance, even on occasions when he chose to apply his own makeup.

60. One of her responsibilities was to provide "Last Looks" on set to ensure that Mr. Rose and guests were ready for air. This entailed appraising their appearances and making last-minute adjustments to hair, makeup and visual appearance.

61. Mr. Rose verbally abused Ms. Riggi on an almost daily basis during this process, and regularly swatted at her physically as she attempted to comb his hair or adjust his makeup. Ms. Riggi learned simply to hold out a hairbrush for Mr. Rose to use himself, but Mr. Rose nonetheless would swat at her hand.

62. On one occasion, while taping on location outside of the studio, Mr. Rose became upset while Ms. Riggi applied his makeup, and forcefully grabbed and twisted her arm, physically hurting her.

63. Ms. Riggi immediately protested this conduct to Mr. Rose, and later reported it to a number of Bloomberg supervisors.

64. On information and belief, Bloomberg did not do anything in response to her reports.

65. Eventually, when doing “Last Looks” or adjusting Mr. Rose’s makeup, Ms. Riggi resorted to using a large hand mirror as a shield so that Mr. Rose could not physically assault her.

66. Soon after this incident, Mr. Rose’s treatment of Ms. Riggi worsened, and he became even more hostile toward her on the set. On information and belief, in retaliation for Ms. Riggi’s complaint about Mr. Rose’s behavior, Mr. Rose started asking young female staff with no background in makeup to perform tasks on set that were Ms. Riggi’s responsibility, such as “touching up” Mr. Rose before air. At times, Mr. Rose told Ms. Riggi that he did not need her to do these tasks because his young female staffers could do them instead.

67. Mr. Rose’s decision to ask staff with no makeup experience to perform some of these tasks placed these women in a difficult position, and sabotaged Ms. Riggi’s efforts to perform her work properly and maintain her stellar professional reputation, which was tied to how the Show’s host and guests looked during taping.

68. Invariably, when Mr. Rose’s makeup or visual appearance needed additional adjustment, producers would interrupt the taping and instruct Ms. Riggi to go on set to fix the problem, which upset Mr. Rose and subjected Ms. Riggi to a new round of his abuse.

69. Mr. Rose also routinely ridiculed Ms. Riggi’s physical appearance, in particular, making derisive and inappropriate comments about her weight. Mr. Rose often made these comments to Ms. Riggi in front of other staff, publicly shaming and humiliating her before friends and colleagues.

70. Mr. Rose's abusive, degrading and demeaning treatment of Ms. Riggi was gender-based, and arose from his overall hostility to women who rejected his advances, or who did not appeal to him physically.

2. Mr. Rose's Harassment and Abuse of Other Women¹

71. Mr. Rose abused and harassed numerous women over the course of many years. Ms. Riggi's observation of this abuse, and her experience serving as a resource for other distraught female staff who suffered it, caused her great emotional distress. The following are examples of abuse and harassment that Ms. Riggi witnessed, or was informed of by the women who experienced it. These examples are not intended to be a complete statement of Mr. Rose's unlawful conduct, or an exhaustive recitation of all the unlawful conduct which Ms. Riggi observed, or about which she was informed directly by the victims.

72. In the late 1990s, Ms. Riggi observed Mr. Rose repeatedly berate and belittle one of the Show's first Personal Assistants. Mr. Rose often berated this Personal Assistant in the studio, demeaning her with unwarranted criticism and personal attacks. The Personal Assistant often took refuge in Ms. Riggi's makeup room after these personal attacks, visibly shaken and in tears. After crying, she would ask Ms. Riggi to repair her makeup so as to avoid exposing herself to further abuse from Mr. Rose.

73. In or about the mid-2000s, an Executive Assistant regularly came into the Makeup Room upset, complaining that Mr. Rose had demeaned her intelligence and physical appearance. Although the Executive Assistant was an attractive young woman, she claimed that Mr. Rose mistreated her and undercompensated her because he did not consider her to be his

¹ In order to respect the privacy of women who have not voluntarily come forward to share publicly their stories of Mr. Rose's abuse and harassment, Ms. Riggi does not name, at this time, all of the women she describes in this Complaint.

physical type. She also complained that Mr. Rose called her at all hours of the night, criticizing her and berating her.

74. From approximately 2012 through 2015, a Personal Assistant regularly complained to Ms. Riggi that Mr. Rose treated her abusively and sexually harassed her. She told Ms. Riggi that Mr. Rose called her late at night, asked her whether she had a boyfriend and inquired about her love life. This Personal Assistant told Ms. Riggi that her then-boyfriend was unhappy with the late-night calls, and that she began shutting her cellphone off at night to avoid Mr. Rose's harassment. She also complained to Ms. Riggi that Mr. Rose regularly required her to accompany him on work trips where she had no substantial work duties.

75. Ms. Riggi routinely saw Mr. Rose engage in "handsy" behavior with women on the Show. In the months before the Show was cancelled, Ms. Riggi saw Mr. Rose behaving inappropriately with three young female staffers, in particular: Katherine Brooks Harris, an Associate Producer; Sydney McNeal, an Executive Assistant; and Chelsea Wei, a Broadcast Assistant.

76. On numerous occasions, Ms. Riggi observed Mr. Rose draping his arms around them, putting his arm around their waist, pulling them close to him during work conversations, keeping his hand on them for the duration of conversations, placing his hand on the small of their back while walking with them, and in general, violating their personal space and subjecting them to invasive physical contact during work.

77. Ms. Riggi often commiserated with Ms. Harris and Ms. McNeal, in particular, about this inappropriate behavior. Ms. Riggi observed Mr. Rose engage in similar inappropriate conduct with numerous other female employees over the years, including, Kyle Godfrey-Ryan, an Assistant, and a number of other female producers and assistants who have not yet come

forward publicly to report the abuse and harassment they experienced. Ms. Riggi did not observe Mr. Rose treating men in this fashion.

78. Mr. Rose spoke deprecatingly of women in the studio, giving them sexist, inappropriate names, which he used in front of staff and guests. He called Ms. Vega his “Mexican Marilyn Monroe.” He called Ms. Harris, Ms. McNeal and Ms. Wei “his girls,” and regularly commented on their beauty and physique. Mr. Rose boasted to male guests that “I have the most beautiful staff” and “here they are, my Charlie’s Angels.” Ms. Harris, Ms. McNeal and Ms. Riggi frequently exchanged “eye rolls” when Mr. Rose made such comments. Mr. Rose did not make these kinds of demeaning remarks about men.

79. Women who were forced to travel with Mr. Rose complained that he treated them as adornments, demanding their presence on trips even when their presence was not necessary for the work.

80. Female staff often joined Ms. Riggi in the makeup room or Green Room to commiserate with each other about Mr. Rose’s behavior. During one “Green Room” session with a number of female staff, Ms. Riggi heard a Senior Producer make reference to “the crusty claw,” a reference to Mr. Rose’s propensity to grab female staff inappropriately. When that same Senior Producer was an intern, Ms. Riggi observed Mr. Rose menace and berate her on numerous occasions, forcing her to hide from Mr. Rose in the Green Room.

81. Another Producer was so rattled by Mr. Rose’s treatment of her that, in or around 2015, she had to abandon her office, which was near Mr. Rose’s office, and take up a make-shift residence in the makeup room. This Producer told Ms. Riggi that Mr. Rose had done “something awful” to her. She regularly complained to Ms. Riggi about Mr. Rose’s sexist, misogynistic behavior, and came into the makeup room visibly shaken after encounters with Mr. Rose. The

Producer told Ms. Riggi that she believed Mr. Rose wanted to get rid of her because she “knew too much.”

3. Mr. Rose’s Treatment of Young Female Interns

82. Throughout her time on the Show, Ms. Riggi encountered scores of interns associated with Mr. Rose’s ventures, the vast majority of whom were young, attractive women.

83. Mr. Rose regularly demanded that his young, attractive female interns deliver items to his homes, including a daily preparatory packet that would get delivered to him in advance of the next day’s shooting.

84. As has been widely reported, Mr. Rose often used these visits to lure young women to his apartment. In turn, the show’s female interns often complained to Ms. Riggi about having to make such deliveries. Over the years, Ms. Riggi often heard that Mr. Rose greeted his interns at his home in a bathrobe or towel. Sometimes women told her this directly, and other times, she overheard women discussing these experiences near the makeup room.

85. Sarah Gordon, an intern for the Show in 2002, complained to Ms. Riggi about being required to drop off packages at Mr. Rose’s apartment. She told Ms. Riggi about a particular drop off at Mr. Rose’s apartment during which Mr. Rose greeted her in a towel after emerging from the shower, prompting her to flee the apartment as quickly as possible. Ms. Gordon later publicly reported that, during a particular drop-off at Mr. Rose’s Sherry Netherland Apartment, Mr. Rose made her watch a sex scene from a movie and asked her whether it aroused her.

86. In August of 2017, a young woman employed on the show confided in Ms. Riggi that she felt “uncomfortable” going to Mr. Rose’s apartment at the Sherry-Netherland Hotel to hand deliver him information. When Ms. Riggi asked why, she declined to answer, but made a

facial expression communicating disgust. When Ms. Riggi asked if Mr. Rose had been “gross,” the woman appeared tense, and shook her head affirmatively, saying “uh huh.” Ms. Riggi suggested that the intern leave the package with the hotel’s concierge and/or inform Ms. Vega. The staffer expressed concern that neither of those options were viable, and that pursuing them could result in her termination.

87. Ms. Riggi also regularly encountered young female interns who were assigned to work in one of Mr. Rose’s homes. These young women rarely appeared at office functions and parties, and Mr. Rose and Ms. Vega rarely mentioned them, shrouding their assignments in secrecy. On information and belief, Mr. Rose did not hire men to perform such tasks. One of the interns she met was Reah Bravo, who later reported being sexually harassed by Mr. Rose while working in his home. Ms. Bravo told Ms. Riggi, at the time, that her internship was not what she had hoped it would be.

4. Mr. Rose’s Use of Internships and Jobs to Lure Attractive Young Women to his Home, Dinner and Lunch

88. On information and belief, Mr. Rose used his position, and dangled jobs on the Show, to lure women into having dinner and lunch with him, under the pretense of job interviews or career discussions. On information and belief, Mr. Rose used the Green Room to impress such women, telling them to come to the set of the Show during taping and wait for him there for interviews. Mr. Rose would then tell the women, upon information and belief, that their interviews were to be conducted at his home or over a meal. Ms. Riggi regularly encountered women in the Green Room waiting for Mr. Rose for such “interviews.” Ms. Riggi met Willa Frej waiting for Mr. Rose in the Green Room in or around June 2014. Ms. Frej subsequently reported on her negative experience of “interviewing” with Mr. Rose for employment.

89. Ms. Riggi never saw any purported male applicants for positions on the Show

waiting for Mr. Rose in the Green Room. Ms. Riggi, upon seeing these unsuspecting women, would think to herself, “here’s another dream dashed,” since she could not recall ever seeing any such applicants receive a position with the Show. In fact, most of the time when she met women waiting in the Green Room for such interviews, there were no known vacancies on the Show.

90. In or around 2004, the Defendants hired a Personal Assistant to Mr. Rose who told Ms. Riggi that Mr. Rose had met her at a BMW dealership on 57th Street in Manhattan, and promised to make her his personal assistant in the office, and bring her with him as he travelled the world. This Personal Assistant told Ms. Riggi that Mr. Rose had given her the use of his car, a credit card and had rented her a condominium apartment in Hoboken, New Jersey. She told Ms. Riggi that in return, as a *quid pro quo*, Mr. Rose asked her to have sex with him and give him massages. She said that Mr. Rose had instructed her to avoid the makeup room, and that both Mr. Rose and Ms. Vega had told her not to speak to guests in the Green Room, and to avoid that area entirely. The Personal Assistant’s presence in the makeup room made Ms. Riggi very uncomfortable, especially upon learning from her that Mr. Rose did not want her there, which caused Ms. Riggi to feel that her job might be jeopardized.

91. In or around 2014, Ms. Riggi observed three young, attractive French women working as interns on the Show. She found their presence curious, because they did not speak English very well, and did not appear to perform the normal duties required of interns. When Ms. Riggi inquired as to their presence in the studio, she was told by producers that they were French models, who had been referred to Mr. Rose by a prominent French celebrity acquaintance. Subsequently, Ms. Riggi heard Mr. Rose boasting on the set to his male guests about his three French models.

92. On or about October 10, 2017, shortly before the Show was cancelled, Ms. Riggi

and several female colleagues watched Mr. Rose interview journalist Tina Brown about accusations leveled against another accused serial misogynist, Harvey Weinstein. Describing Mr. Weinstein's conduct, Ms. Brown observed that there is "[s]omething so humiliating [in] believing that you're going for a business meeting and finding that, actually, it was a ruse. It's very deeply humiliating. . . . there's something deeply shaming about realizing that you've been snookered, that, . . . you thought you were going to a meeting about a script . . . and, actually, what you were going for was so that he could, . . . make an advance on you."² One of the women with Ms. Riggi commented, to general assent, that Mr. Rose was the wrong person to be conducting this interview.

5. Sexual Harassment at Work-Related Parties and Events

93. Mr. Rose regularly hosted parties for staff, including, *inter alia*, annual summer pool parties at his Bellport home, holiday parties at the Spotted Pig restaurant/bar, going-away parties for departing employees at other trendy restaurants owned and operated by Restaurateur Ken Friedman, such as the Breslin and Salvation Taco, and sometimes parties at his Sherry-Netherland apartment. Ms. Riggi felt pressured to attend these events.

94. At his annual holiday party, for example, generally held each December at the Spotted Pig's private, top-floor party room, Mr. Rose drank heavily, and inappropriately touched his female staff and other women whom he had invited. Though Ms. Riggi typically left these events before they concluded, she would be told the following day at work that Mr. Rose had drank in excess and stayed out until 3 or 4 a.m., requiring assistance to get to his car service. As widely reported, at a 2011 holiday part at the Spotted Pig, Mr. Rose forcibly kissed a female CBS employee, who then reported the incident to a CBS executive producer.

²See <https://charlirose.com/videos/31048>

95. On or about early June 2017, Mr. Rose threw a going away party for a Producer at the Breslin restaurant, within the Ace Hotel. Ms. Riggi observed Mr. Rose, immediately upon arrival, insert himself between Ms. Harris and Ms. McNeal, who were seated on a bench. He greeted them as “his girls,” commented on their physical appearance, and draped his arms over their shoulders. Mr. Rose later gave a speech, drink in hand and appearing intoxicated, during which he put his arm around the Producer’s waist, repeatedly pulled her into his body, stared at her chest, appeared determined to look down her shirt, and repeatedly kissed her on the cheek.

96. Mr. Rose exhibited similar sexually inappropriate behavior at another going away party for a different Producer, on or about late July 2017, at the Salvation Taco Rooftop. Ms. Riggi observed Ms. McNeal dancing at the party, accompanied by friends, and then noticed Mr. Rose ogling her inappropriately. When Ms. McNeal sat down with Ms. Brooks Harris, Mr. Rose again inserted himself between them, spreading his arms across their backs and shoulders. When Mr. Rose, who had been drinking, gave a speech, he stumbled over his words, and as at the prior party, wrapped an arm around the Producer, repeatedly kissed her on the cheek, and stared at her chest.

97. Mr. Rose typically held an annual summer pool party for the staff at his home in Bellport. Mr. Rose often drank heavily at these parties, and female staff were wary of his advances. At a party Ms. Riggi attended in August 2016, Ms. Riggi noticed that, aside from one other makeup artist in attendance, she was the only woman to swim in Mr. Rose’s pool. When Ms. Riggi asked her female coworkers to join her for a swim, they declined, with one female colleague noting that Mr. Rose was watching them from the second floor of his home.

98. At another summer pool party in Bellport, Ms. Riggi observed Mr. Rose, in an inebriated state, grabbing at an attractive female producer when she attempted to leave,

imploing her to spend the night. When a male colleague intervened to rescue the woman, Mr. Rose became visibly upset.

99. Ms. Riggi also attended a birthday party for Mr. Rose at his Sherry-Netherland home, at which she observed Mr. Rose holding a female intern on his lap. When Mr. Rose called for a female Executive Assistant, who was in the kitchen with Ms. Riggi, to come join him, the Executive Assistant stated that she did not want to be subjected to such treatment, and she avoided joining Mr. Rose for as long as she perceived possible without drawing his ire.

D. Summary

100. Defendants have discriminated against Ms. Riggi in compensation, and the terms, conditions and privileges of her employment, because of her gender and age.

101. Defendants treated Ms. Riggi less well, differently, and less favorably than male employees and younger employees.

102. Defendants engaged in this discrimination, *inter alia*, by treating Ms. Riggi in discriminatory fashion directly, and by subjecting her to a toxic, misogynistic culture of gender-based harassment and abuse in which she witnessed ongoing abuse and gender-based harassment of numerous women.

103. Ms. Riggi reported the unlawful conduct, but Defendants failed to take any remedial action.

104. Defendants retaliated against Ms. Riggi for her protected activity.

105. Bloomberg knew or should have known of the unlawful discrimination, but failed to address it, and instead, engaged in, caused, perpetrated, committed, authorized, condoned, ratified, aided and abetted it.

106. Defendants misclassified Ms. Riggi as an independent contractor, and failed to provide her all the valuable compensation to which she was entitled as an employee, and which they afforded other employees on the Show.

107. Defendants' conduct has caused Ms. Riggi, and continues to cause her, substantial physical harm and emotional anguish, anxiety, humiliation, loss of reputation, loss of career opportunity, lasting embarrassment, and other non-monetary losses.

108. Defendants also have denied Ms. Riggi valuable wages, compensation and benefits to which she was entitled as an employee, and shifted to her the obligation to make contributions ordinarily required of employers by federal, state and local law, including, *inter alia*, contributions for Social Security, Workers' Compensation and Unemployment Insurance.

AS AND FOR A FIRST CAUSE OF ACTION

(NYCHRL - DISCRIMINATION AND HARASSMENT)

109. Plaintiff repeats and realleges every allegation in paragraphs 1 through 108 of this Complaint with the same force and effect as though fully set forth herein.

110. This Count is brought under the NYCHRL, N.Y.C. Admin. Code § 8-101 *et seq.*

111. At all relevant times herein, Bloomberg and Rose were each an "employer," "covered entity" and a "person" within the meaning of the NYCHRL, and are liable as "joint employers."

112. At all relevant times herein, Mr. Rose and Ms. Riggi were each a "person" within the meaning of the NYCHRL.

113. Defendants' conduct, as alleged herein, constituted unlawful discriminatory practices, unlawful discrimination based on gender and/or age, unlawful harassment, and unlawful aiding and abetting thereof, in violation of the NYCHRL.

114. Defendants' conduct, as alleged herein, amounts to willful or wanton negligence or recklessness or involves a conscious disregard of the rights of others or conduct so reckless as to amount to such disregard. Defendants are each liable for the unlawful conduct herein both as an "employer" under NYCHRL § 8-107(1) and under the "aiding and abetting" provisions of NYCHRL § 8-107(6).

115. As a result of Defendants' unlawful conduct, Plaintiff has suffered and continues to suffer injury, with resulting monetary, economic and other damages, including without limitation, lost wages and bonuses, lost benefits, lost interest and attorneys' attorneys' fees and costs.

116. As a further result of Defendants' unlawful conduct, Plaintiff has suffered and continues to suffer, among other items, injury, impairment and damage to her good name and reputation, emotional distress, mental anguish, emotional pain, suffering, inconvenience, loss of enjoyment of life, and lasting embarrassment and humiliation. Plaintiff is entitled to recover damages for such injuries from the Defendants.

117. Plaintiff is entitled to recover such monetary and other damages, punitive damages, interest, and attorneys' fees and costs from the Defendants.

AS AND FOR A SECOND CAUSE OF ACTION

(NEW YORK LABOR LAW – ARTICLE VI)

118. Plaintiff repeats and realleges every allegation in paragraphs 1 through 117 of this Complaint with the same force and effect as though fully set forth herein.

119. This Count is brought under the Article VI of N.Y. Lab. L. §§ 190- 199.

120. At all relevant times herein, Defendants were Plaintiff's "employer," within the meaning of N.Y. Lab. L. § 190(3), and Defendants are liable as "joint employers."

121. At all relevant times, Plaintiff was an employee within the meaning N.Y. Lab. L. § 190(2).

122. By misclassifying Ms. Riggi as an independent contractor, Defendants denied Ms. Riggi wages, compensation and other benefits which are “wages” within the meaning of the Labor Law. N.Y. Lab. L. § 190(1), 1980c.

123. Defendants thereby violated the New York Labor Law and its substantive provisions. N.Y. Lab. L. §§ 191, 193, 198.

124. Defendants’ violations were willful within the meaning of N.Y. Lab. L. § 190 *et seq.*

125. As a result of Defendants’ unlawful conduct, Plaintiff has suffered substantial monetary damages, including, without limitation, damages for unpaid wages, lost interest, attorney’s fees and costs.

AS AND FOR A THIRD CAUSE OF ACTION

**(UNJUST ENRICHMENT AND/OR *QUANTUM MERUIT*)
(SOUNDING IN QUASI-CONTRACT)**

126. Plaintiff repeats and realleges every allegation in paragraphs 1 through 125 of this Complaint with the same force and effect as though fully set forth herein.

127. As set forth in above, Ms. Riggi performed services for Defendants, under their direction and control, as an “employee,” and as such, was entitled to receive the valuable wages and/or benefits which Defendants afforded to all other employees.

128. By misclassifying Ms. Riggi as an “independent contractor,” Defendants received the benefit of Ms. Riggi’s performance as an employee, but retained for themselves, at Ms. Riggi’s expense, *inter alia*, the valuable wages and/or other compensation that they afforded all other employees.

129. Further, Defendants did not make any of the contributions on Ms. Riggi's behalf ordinarily required of employers by federal, state and local law, including, *inter alia*, contributions for Social Security, Workers' Compensation and Unemployment Insurance, retaining for themselves, at Ms. Riggi's expense, the value of these contributions.

130. Ms. Riggi had a sufficiently close relationship to Defendants as their employee to sufficiently cause her reliance upon them to afford her the wages and compensation to which she was entitled, and to make the contributions, on her behalf for which they were obligated.

131. In order to prevent injustice, equity and good conscience require that Defendants should not be unjustly enriched at Ms. Riggi's expense, and that Ms. Riggi should be entitled to recover from Defendants the value of all wages, compensation, benefits and/or other expenditures that they unjustly retained for themselves.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment on all Counts, as follows:

- A. Enter a judgment in favor of Plaintiff on her claims against Defendants;
- B. Award Plaintiff as against Defendants, jointly and severally, the amount of wages, including without limitation wages, back pay, front pay, bonuses, benefits, and interest lost as a result of Defendants' unlawful conduct;
- C. Award Plaintiff as against Defendants, jointly and severally, consequential damages for losses resulting from Defendants' unlawful conduct;
- D. Award Plaintiff as against Defendants, jointly and severally, compensatory damages for, among other items, injury, impairment and damage to her good name and reputation, emotional distress, mental anguish, emotional pain, suffering, inconvenience, loss of

enjoyment of life, lasting embarrassment and humiliation, and other pecuniary and nonpecuniary losses;

E. Award Plaintiff as against Defendants, jointly and severally, punitive damages;

F. As to the Second Cause of Action, award Plaintiff liquidated damages as provided by N.Y. Labor Law.

G. Award Plaintiff as against Defendants, jointly and severally, pre-judgment interest;

H. Award Plaintiff as against Defendants, jointly and severally, the costs of this action, together with reasonable attorneys' fees;


I. Award Plaintiff any and all other damages provided by the applicable statutes and applicable law; and

J. Award Plaintiff such further legal relief as may be just and proper.

Dated: September 19, 2019
New York, New York

BROACH & STULBERG, LLP
Attorneys for Plaintiff

By:



Patrick J. Walsh
Robert B. Stulberg
Zachary Russell Bergman
One Penn Plaza, Suite 2601
New York, New York 10119
(212) 268-1000
Attorneys for Plaintiff

DEMAND FOR A JURY TRIAL

Plaintiff, by and through her above-signed counsel, hereby demands a trial by jury in the above-captioned action.